IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

FRIDAY, THE 8TH JUNE 2007 / 18TH JYAISHTA 1929

OP.No. 10333 of 2001(E)

PETITIONER:

KRISHNANKUTTY,
URAMCHOKKATH HOUSE,
MANGODE P.O.,
CHERUPLASSERY,
PALAKKAD DISTRICT.

BY ADV. SRI.P.RAVINDRAN
SRI.ANIL SIVARAMAN

RESPONDENTS:
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1. **UNION OF INDIA,**
REPRESENTED BY ITS SECRETARY,
MINISTRY OF DEFENCE,
CENTRAL GOVT. SECRETARIAT,
NEW DELHI.

2. **OFFICER-IN-CHARGE,**
SIGNALS RECORDS,
SIGNAL ABHILEKH KARYALAYA,
POST BAG NO.5
JABALPUR (M.P.) - 482 011.

BY ADV. SRI.V.V.SURESH, ADDL.CGSC for R1 & R2
SRI.THOMAS MATHEW NELLIMOOTTIL,SR.P.ARM
SRI.A.JAYASANKAR, ADDL.CGSC

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 08/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER ON C.M.P.NO.16533/2001 IN OP.NO.10333/2001 E

CLOSED

8/06/2007 **SD/- THOTTATHIL B.RADHAKRISHNAN,JUDGE**

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: **COPY OF THE DISCHARGE CERTIFICATE DTD. 15/10/1969.**

EXT.P2: **COPY OF THE ORDER DTD. 5/05/95.**

EXT.P3: **COPY OF ORDER DTD. 16/12/96.**

EXT.P4: **COPY OF THE MEDICAL CERTIFICATE DTD. 27/09/99.**

EXT.P5: **COPY OF THE REPRESENTATION DTD. 18/02/2000.**

EXT.P6: **COPY OF THE MEDICALCERTIFICATE DTD. 3C/05/2000.**

EXT.P6(A): **COPY OF THE LETTER DTD. 5/05/2000.**

EXT.P7: **COPY OF THE CERTIFICATE DTD. 14/10/2000.**

EXT.P8: **COPY OF THE ORDER DTD. 5/02/2001.**

2ND RESPONDENT'S EXHIBITS:

EXT.R2(A): **COPY OF THE DISABILITY REPORT DTD. 23/09/69.**

EXT.R2(B): **COPY OF THE DISABILITY REPORT DTD. 19/09/94.**

EXT.R2(C): **COPY OF THE LETTER DTD. 22/08/96.**

EXT.R2(D): **COPY OF THE LETTER DTD. 17/04/00.**

EXT.R2(E): **COPY OF THE LETTER DTD. 17/01/01.**

/TRUE COPY/

KSS

THOTTATHIL B. RADHAKRISHNAN, J.

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O.P.No. 10333 of 2001 (E)

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Dated this the 8th day of June, 2007

J U D G M E N T

The competent Medical Board, going by the documents produced by the respondents, particularly, Ext.R2(b), and Ext.P7 produced by the petitioner, has determined percentage of disability as 20%. Under such circumstances, the Pension Board is incompetent to reduce it, on its own conclusion, because the views of the medical authority has to prevail and has been approved. Under such circumstances, the impugned Ext.P8 is quashed and it is directed that disability pension shall be sanctioned to the petitioner with effect from 16/02/1995 and all such arrears shall be disbursed to him with 8% interest from 01/04/2001 till date of payment. It is further directed that all amounts towards arrears and interests as directed above shall be paid within three months from the date of receipt of a copy of the judgment. The respondents shall further continue to pay disability pension on such basis.

Original petition is allowed to the above extent. No costs.

THOTTATHIL B.RADHAKRISHNAN
Judge

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THOTTATHIL B. RADHAKRISHNAN, J.

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O.P.No. 10333 of 2001 (E)

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J U D G M E N T

8th June, 2007